

AFTER ACTION REPORT

REGULAR CITY COMMISSION MEETING MONDAY, AUGUST 2, 2010 6:30 P.M.

**DELTONA COMMISSION CHAMBERS
2345 PROVIDENCE BLVD.
DELTONA, FLORIDA**



AGENDA

1. CALL TO ORDER – 6:30 p.m.
2. ROLL CALL - CITY CLERK
3. SILENT INVOCATION AND PLEDGE TO THE FLAG:
4. APPROVAL OF MINUTES & AGENDA:
 - A. Minutes:

Regular City Commission Meeting – July 19, 2010.

Commission voted unanimously to adopt the minutes of the Regular City Commission Meeting of July 19, 2010 as presented.
 - B. Additions or Deletions to Agenda.
5. PRESENTATIONS/AWARDS/REPORTS:
 - A. Presentations – Quarterly Board Reports of City Advisory Board/Committees – Written Reports Only.
 - B. Presentation – Certificates of Appreciation - Commissioner Janet Deyette.

C. **Presentation – Certificate of Recognition from the U.S. Census Bureau.**

D. **Proclamation - Florida Water Professionals Week- August 16-20, 2010.**

6. **PUBLIC FORUM – Citizen comments for items not on the agenda.
(4 minute maximum length)**

CONSENT All items marked with an * will be considered by one motion unless removed
AGENDA: from the Consent Agenda by a member of the City Commission. If an item is removed for clarification only, it will be discussed immediately following action on the Consent Agenda. If an item is removed for further discussion, it will be discussed under New Business immediately following the last listed item.

7. CONSENT AGENDA:

A. **Request for approval of the Long Term Facility Use Agreement renewal with the Boys & Girls Club of Volusia/Flagler Counties.**

The Boys & Girls Club of Volusia/Flagler Counties is a Florida non-profit organization who has maintained a Long Term Facility Use Agreement with the City of Deltona for the use of the facilities at the Harris M. Saxon Park since 2006.

The Club meets weekdays from 2:00 to 6:00 p.m. in the meeting rooms and Main Hall of the facility. The Club wishes to expand their current use of the facility to include Monday and Tuesday evenings from 6:00 to 8:00 p.m. to provide a new SMART Leaders Program to targeted teens in the Deltona area. The program is in partnership with the Department of Juvenile Justice, the Volusia County Sheriff's Office, the Florida Sheriff's Youth Ranch, and Volusia County Schools.

The Club has met the criteria requirements for a Long Term Facility Use Agreement with the City. Staff recommends a one (1) year Long Term Facility Use Agreement with an option to renew for three (3) additional one-year terms, subject to the receipt and acceptance of a timely Facility Use Renewal Form.

After discussion, the Commission voted 5 to 2 (Commissioner Denizac and Commissioner Zischkau voted against the motion) to approve the Long Term Facility Use Agreement with the Boys & Girls Club of Volusia/Flagler Counties for use of the Harris M. Saxon Park facility for a period of one year, with the option for a total of three one-year renewals upon written agreement of both parties.

8. ORDINANCES AND -PUBLIC HEARINGS:

A. Public Hearing – Ordinance No. 08-2010, Amending Section 98-35 of the Code of Ordinances, pertaining to a tree bank that provides for payment into a tree fund under certain circumstances.

For some time the City has had a tree replacement fund established as part of its fee schedule. The intent of the tree replacement fund is to provide a monetary method of mitigating the loss of trees in lieu of on-site tree preservation and/or the planting of new trees. There has always been anticipation that mitigation funds accumulated through the fee schedule tree replacement fund would be utilized to replace lost trees with new trees somewhere within the City.

Currently, the City tree fund contains \$519,872.24. Research extending back to 2006, indicates that none of the money collected or interest earned has been expended.

While the City has been collecting and holding money associated with the tree replacement fund, the concept of a tree replacement fund, including how the fund money should be expended, is not well developed within Article II (Tree Permits) of City Code Section 98, Natural Resources Protection. Therefore, to formalize a nexus between the fee schedule tree replacement fund and Section 98, Article II, the City is proposing to amend Section 98-35 (Tree Bank).

The proposed language modifications/additions illustrate an option to pay a fee for not meeting on site tree replacement requirements. In addition, a methodology for determining how to calculate the fee is included. Finally, the language indicates that the collected funds can be used for the "planting and maintenance" of trees along rights-of-ways and on city owned property. Also the proposal, includes an ability to plant trees on private land along rights-of-ways with the owner's permission.

On July 21, 2010, the City Planning and Zoning Board heard the proposed changes to Section 98. The City Planning and Zoning Board recommended that the City Commission adopt the Section 98 amendments with a suggestion that further language be added to facilitate an option to plant trees on private land along rights of way with the permission of the owner.

After discussion, the Commission voted 6 to 1 (Commissioner Zischkau voted against the motion) to adopt Ordinance No. 08-2010, an Ordinance of the City of Deltona, amending Section 98-35 of the Code of Ordinances, pertaining to a tree bank and providing for payment into a tree fund under certain circumstances, at first reading.

B. Public Hearing – Resolution No. 2010-24, Approving the Community Development Block Grant (CDBG) Third Year Action Plan for FY 2010/2011.

The City of Deltona receives Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD) to implement activities within the community, which has been listed as a priority, based on public input regarding the needs of the community. These priorities have been compiled and listed in Deltona's Five-Year Consolidated Plan, a comprehensive strategic planning document segmented into annual objectives.

The City has been designated to receive an allocation of \$543,194 for Federal Fiscal Year 2010/2011 from HUD. In order to receive the funds, the City is required to develop an Annual Action Plan (AAP) and submit it to HUD, listing the projects to be undertaken during the new fiscal year. The deadline to submit this document is August 16, 2010.

In accordance with program requirements, the City advertised the Notice of Funding Availability (NOFA) on April, 2010, to provide organizations proposing services in Deltona an opportunity to apply for funds. Upon receipt of applications for funding, the proposed projects were ranked for conformity to the program and National Objectives, including the requirement for activities to benefit low to moderate income persons. Recommendations for funding were made and the appropriate advertisements posted. Two (2) public hearings were held for citizen input regarding expenditure of the proposed funds.

Approval of a resolution is necessary to receive CDBG funding for the 2010/2011 fiscal year to administer community development activities. Therefore, staff is requesting approval and execution of the Application for Funding, including certifications for transmittal to HUD.

After discussion, the Commission voted 6 to 1 (Commissioner Denizac voted against the motion) to approve the Community Development Block Grant Annual Action Plan FY 2010/2011 for submittal to HUD and subsequent resolution.

C. Public Hearing - Resolution No. 2010-19, Establishing Annual Rate of Assessment for Solid Waste Services for FY 2010/2011.

The Solid Waste Collection System is based on operational and capital need, and is funded by fees levied to the property owners in the City.

Section 54-158 of the Code of Ordinances requires that the City Commission adopt an Annual Rate Resolution during its budget process for each fiscal year. The proceedings for adoption of an Annual Rate Resolution require the adoption of a Preliminary Rate Resolution as described in Section 54-158, which was

adopted on July 19, 2010. The annual assessment rate for FY 10/11 is proposed at \$132.00 which reflects no increase from the rate for the current fiscal year.

After discussion, the Commission voted unanimously to approve Resolution No. 2010-19, Annual Rate Resolution - Solid Waste Assessments for FY 10/11 to provide for continuing the current annual rate of \$132.00 for solid waste collection services.

D. Public Hearing - Resolution No. 2010-18, Establishing Annual Rate of Assessment for Stormwater Utility Services for FY 2010/2011.

The Stormwater Utility System is based on operational and capital need, and is funded by fees levied to the property owners in the City. City staff is continuing to review the system, but at this time no change is recommended in these fees.

Section 54-158 of the Code of Ordinances requires that the City Commission adopt an Annual Rate Resolution during its budget adoption process for each fiscal year. The proceedings for adoption of an Annual Rate Resolution require the adoption of a Preliminary Rate Resolution as described in Section 54-158, which was adopted on July 19, 2010.

After discussion, the Commission voted unanimously to approve Resolution No. 2010-18, Annual Rate Resolution - Stormwater Utility Assessments for FY 10/11 at the current rate of \$76.11 per Equivalent Residential Unit (ERU).

E. Public Hearing - Resolution No. 2010-20, Establishing Annual Rate of Assessment for Streetlighting Services for FY 2010/2011.

The Streetlighting Services System is based on operational and capital need, and is funded by fees levied to the property owners in the City. City staff is continuing to review the System, but at this time no change is recommended in these fees.

Section 54-253 of the Code of Ordinances requires that the City Commission adopt an Annual Rate Resolution during its budget adoption process for each fiscal year. The proceedings for adoption of an Annual Rate Resolution require the adoption of a Preliminary Rate Resolution as described in Section 54-253, which was adopted on July 19, 2010.

After discussion, the Commission voted unanimously to approve Resolution No. 2010-20, adopting the current rate for Streetlighting Assessments for FY 10/11.

9. OLD BUSINESS:

10. NEW BUSINESS:

11. CITY COMMISSION COMMENTS:

After discussion, the Commission voted 6 to 1 (Commissioner Zischkau voted against the motion) to complete the remaining 60 feet of fencing at 1522 Gainesville Drive which is to be maintained by the property owner at a cost not to exceed \$1,200.00.

12. CITY ATTORNEY COMMENTS:

13. CITY MANAGER COMMENTS:

14. ADJOURNMENT:

NOTE: If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least three (3) working days in advance of the meeting date and time at (386) 878-8100.